

Response under 37 C.F.R. §1.111

Attorney Docket No. 001425

Serial No. 09/729,434

**REMARKS**

Claims 1 - 10 are pending in the present application. By this Amendment, claims 1, 7 and 8 have been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated November 25, 2003.

**Specification:**

The specification stands objected to in item 3 of the Action based on the Examiner's assertion that "the disclosure is replete with grammatical and idiomatic errors and inconsistencies."

This objection is respectfully traversed.

It is respectfully submitted that the Examiner's position is overcritical since the specification is well written and fails to include any of the informalities suggested by the Examiner. Accordingly, withdrawal of this objection is respectfully requested.

**35 U.S.C. §112, Second Paragraph, Rejection:**

Claims 1, 7 and 8 stand rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

This rejection is respectfully traversed.

Response under 37 C.F.R. §1.111  
Attorney Docket No. 001425  
Serial No. 09/729,434

Claims 1, 7 and 8 have been amended to overcome this rejection. In addition, it is submitted that claims 7 and 8 are dependent claims with claim 7 depending from claims 1 – 6 and claim 8 depending from claim 4. Accordingly, withdrawal of this rejection is respectfully requested.

**As to the Merits:**

As to the merits of this case, the Examiner sets for the following rejection:

claims 1-10 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated by Suzuki (U.S. Patent No.: 5,428,715).

This rejection is respectfully traversed.

Independent claim 1 calls for *a feature data extractor to extract at least features in relation to a three-dimensional shape of a workpiece on the basis of geometry data thereof created with using CAD.*

For example, the feature data extractor 6 extracts features in relation to a three-dimensional geometry of a workpiece by analyzing the direction of the normal for each feature shape as illustrated in Figs. 4 – 6 of the present application.

With regard to Suzuki, the Examiner asserts that “[t]he patented device includes a figure data generator much like the “feature data extractor” of the instant invention.”<sup>1</sup>

However, the Examiner is clearly mischaracterizing the teachings of Suzuki since this reference fails to disclose any type of feature extraction. That is, Suzuki is not concerned with extracting features in relation to a three-dimensional shape of a workpiece on the basis of geometry data thereof created with using CAD, as called for in claim 1.

Instead, Suzuki is concerned only with generating three dimensional figure data for each figure element of the three-dimensional figure on the basis of defined top and front views of two-dimensional figures. In other words, the three dimensional figure data generated by Suzuki is completely different from the feature data extractor of the present claimed invention.

In addition, claim 1 also calls for *a tool/cutting data storage to store data such as a cutting mode and tool information in accordance with feature shape, a cutting speed and a depth of the cut in accordance with workpiece material.*

With regard to this feature, the Examiner asserts that “Applicant’s “tool/cutting data storage” is referred to as the “view data memory” in the patented reference.”<sup>2</sup> However, the view data memories disclosed by Suzuki in Figs. 2(C) and 2(D) include display data and projection data and not cutting mode and tool information in accordance with feature shape and

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<sup>1</sup> Please see, lines 12 – 13, page 3 of the Action.

<sup>2</sup> Please see, 13 – 14, page 3 of the Action.

Response under 37 C.F.R. §1.111  
Attorney Docket No. 001425  
Serial No. 09/729,434

cutting speed and depth of the cut in accordance with workpiece material, as called for in claim 1.

*Furthermore, claim 1 also calls for a cutting method setting unit to set an optimal cutting method for each feature shape on the basis of feature data extracted by the feature data extractor and data stored in the tool/cutting data storage and a tool path data generator to generate tool path data on the basis of the cutting method set cutting method setting unit.*

It is respectfully submitted that Suzuki fails to disclose these features of claim 1 as well.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

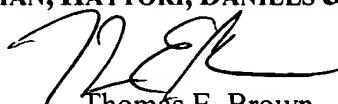
If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

Response under 37 C.F.R. §1.111  
Attorney Docket No. 001425  
Serial No. 09/729,434

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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